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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,411	06/07/2001	Junichi Toyoda	075834.00086	7306
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ROBERT J. DEPKE LEWIS T. STEADMAN ROCKEY, DEPKE & LYONS, LLC SUITE 5450 SEARS TOWER CHICAGO, IL 60606-6306			EXAMINER ADDY, THUAN KNOWLIN	
			ART UNIT	PAPER NUMBER
			2614	
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			08/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/876,411

**Applicant(s)**

TOYODA ET AL.

**Examiner**

THJUAN K. ADDY

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-16 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on June 30, 2008 has been entered. Claims 1 and 3 have been amended. Claims 7, 17, and 18 have been cancelled. No claims have been added. Claims 1-6, 8-16, and 19-27 are still pending in this application, with claims 1 and 3 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/30/2008 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-16, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiel et al (US 6,288,682), in view of Paulick (US 5,710,987).
4. In regards to claims 1, 2, 23, and 26, Thiel discloses a communication apparatus and portable telephone (See Fig. 1a and mobile telephone 10) comprising: an antenna (See Fig. 1b-1c and antenna 14) for transmitting and/or receiving a wireless signal, a signal processing circuit (See Fig. 3 and transceiver 78) for processing a signal corresponding to a wireless signal received by the antenna, a conductive case (See Fig. 3 and dielectric cylinder 60) surrounding and housing all or part of the signal processing circuit, an electro-magnetic wave absorber (See Fig. 1a-1c and structure 12) with one surface adjacent a predetermined area of the conductive case for absorbing electro-magnetic waves and thereby reducing electro-magnetic waves reaching a user of the communication apparatus, and a conductive member (See Fig. 1c and conductive sheet 22) provided at another surface of the electro-magnetic wave absorber and being electrically connected to the conductive case (See col. 4 lines 37-49), and further wherein the electro-magnetic wave absorber is physically located between a speaker of the communication apparatus and the conductive case, the conductive member being located closest to the speaker (for example, Thiel teaches that the structure 12 is near

the user's head, and provides less absorption, by the user's head, of the electromagnetic energy, and that structure 12 can slidingly retract into the body of the telephone 10, therefore, structure 12 would be "physically located between the speaker of the communication apparatus") (See col. 2-3 lines 56-7 and col. 4 lines 57-64).

Although Thiel discloses a signal processing circuit for processing a signal corresponding to a wireless signal received by the antenna. Paulick, more specifically, discloses a signal processing circuit (See Fig. 2 and radiotelephone transceiver circuitry 224) for processing a signal corresponding to a wireless signal received by the antenna (See col. 3 lines 4-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ these limitations within the apparatus as a way for the portable electronic apparatus or communication apparatus to receive and transmit signals.

5. In regards to claims 3 and 9, Thiel discloses all of claims 3 and 9 limitations, except a portable telephone comprising: a circuit for generating a wireless signal corresponding to said sound signal generated by said microphone. Paulick, however, discloses a circuit for generating a wireless signal corresponding to said sound signal generated by said microphone (See Fig. 1 and microphone 116) (See col. 3 lines 4-19).

6. In regards to claims 4 and 14, Thiel discloses all of claims 4 and 14 limitations, except a portable telephone, wherein said circuit comprises: a transmitting circuit for generating a wireless signal corresponding to a sound signal from the microphone, a receiving circuit for generating a sound signal in response to a wireless signal received by the antenna and outputting the sound signal, and a printed circuit board containing

the transmitting circuit and the receiving circuit. Paulick, however, discloses a portable telephone, wherein said circuit comprises: a transmitting circuit (See Fig. 2 and transceiver circuitry 224) for generating a wireless signal corresponding to a sound signal from the microphone (See col. 3 lines 4-19), a receiving circuit (See Fig. 2 and pager receiver circuitry 218) for generating a sound signal in response to a wireless signal received by the antenna and outputting the sound signal (See col. 3 lines 4-19), a printed circuit board (See Fig. 2 and printed circuit board 226) containing the transmitting circuit and the receiving circuit (See Fig. 2), and a shield case (See Fig. 2, back housing 104 and front housing 102 including a shield portion 204) that surrounds a receiving circuit (See Fig. 2 and pager receiver circuitry 218), transmitting circuit (See Fig. 2 and transceiver circuitry 224), and a printed circuit board (See Fig. 2 and printed circuit board 226).

7. In regards to claims 5, 6, 10, 21, and 24, Thiel discloses a portable telephone and communication apparatus, wherein said electro-magnetic wave absorber (See Fig. 1a-1c and structure 12) is arranged at a surface of said shield case close to a head of a user of the portable telephone at the time of a call (See col. 2-3 lines 56-7 and col. 4 lines 57-61).

8. In regards to claim 8, Thiel discloses a portable telephone, wherein said conductive member and said shield case are connected by a metal wiring (See col. 4 lines 37-49 and col. 5 lines 48-67).

9. In regards to claims 11 and 27, Thiel discloses a portable telephone and communication apparatus, wherein said electromagnetic wave absorber is made in a

desired shape from a mixture of said magnetic loss material (e.g., dielectric loss material 24) and a synthetic resin (See col. 4 lines 37-49 and col. 4 lines 62-67).

10. In regards to claims 12, 22, and 25, Thiel discloses a portable telephone and communication apparatus, further comprising: said feeder used for connecting the switching circuit and the antenna, and the electro-magnetic wave absorber is closely bonded to a portion of the shield case located between the feeder and the receiving circuit (See col. 4 lines 37-49). Paulick, however, discloses a switching circuit and a feeder on the printed circuit board for supplying the wireless signal from the transmitting circuit to the antenna and supplying the wireless signal from the antenna to the receiving circuit (See Fig. 2, printed circuit board 226, and col. 3 lines 4-19).

11. In regards to claim 13, Thiel discloses a portable telephone, wherein said shield case is made of an insulating material and has a conductive layer formed on its surface (See col. 5 lines 61-67). Paulick, however, discloses said conductive layer is connected to a layer of a ground level voltage of said printed circuit board (See Fig. 2, printed circuit board 226, and col. 3 lines 4-19).

12. In regards to claim 15, Thiel discloses a portable telephone, further comprising an outer housing made of an insulating material for housing said transmitting and receiving circuit, said shield case, said electro-magnetic wave absorber, and said microphone (See col. 4 lines 37-61), wherein said receiving circuit is arranged in the vicinity of one end of said housing, said microphone is arranged in the vicinity of another end of said housing (See Fig. 1a, microphone 16, and col. 4 lines 45-49), and said

antenna is a retractable antenna able to extend from said one end in the longitudinal direction of said housing (See col. 4 lines 62-67).

13. In regards to claim 16, Thiel discloses a portable telephone, further comprising a feeder for connecting said switching circuit and said antenna, wherein said electro-magnetic wave absorber is closely bonded at the portion of said shield case located between said receiving circuit and said feeder (See col. 4 lines 37-49). Paulick, however, discloses a switching circuit on said printed circuit board for supplying said wireless signal from said transmitting circuit to said antenna, and for supplying said wireless signal from said antenna to said receiving circuit (See Fig. 2, printed circuit board 226, and col. 3 lines 4-19).

14. In regards to claim 19, Thiel discloses the communication apparatus, wherein the conductive member is electrically connected to a ground layer of the signal processing circuit (See col. 4 lines 37-67).

15. In regards to claim 20, Thiel discloses the portable telephone, wherein the conductive member is electrically connected to a ground layer of the circuit (See col. 4 lines 37-67).

### ***Response to Arguments***

16. Applicant's arguments filed 06/30/2008 have been fully considered but they are not persuasive.

17. Applicants argue that the prior art provides no teaching or suggestion whatsoever regarding wherein the electro-magnetic wave absorber is physically located between a



speaker of the portable telephone and the conductive case, the conductive member being located closest to the speaker.

18. In response to the argument that the prior art provides no teaching or suggestion whatsoever regarding wherein the electro-magnetic wave absorber is physically located between a speaker of the portable telephone and the conductive case, the conductive member being located closest to the speaker, Examiner respectfully disagrees. The prior art does teach and suggest wherein the electro-magnetic wave absorber is physically located between a speaker of the communication apparatus and the conductive case, the conductive member being located closest to the speaker (for example, Thiel teaches that the structure 12 is near the user's head, and provides less absorption, by the user's head, of the electromagnetic energy, and that structure 12 can slidably retract into the body of the telephone 10, therefore, structure 12 would be "physically located between the speaker of the communication apparatus") (See Thiel, col. 2-3 lines 56-7 and col. 4 lines 57-64). Furthermore, claim 1 does not recite a "portable telephone", but merely recites a "communication apparatus".

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Konishi et al. (US 5,539,148) teach an electronic apparatus case having an electro-magnetic wave shielding structure. Konishi (US 5,374,779) teaches an electro-magnetic wave shielding structure. Kasevich et al. (US 5,223,849)

teach a broadband electromagnetic energy absorber. Kasevich et al. (US 5,214,432) teach a broadband electromagnetic energy absorber).

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614

